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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,721	06/29/2000	DOMINIC DESMOND PHELM O'NEILL	84625-000200	8391

7590 03/30/2004  
TOWNSEND AND TOWNSEND AND CREW  
1200 SEVENTEENTH STREET  
SUITE 2700  
DENVER, CO 80202-5827

EXAMINER
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LE, DANH C

ART UNIT	PAPER NUMBER
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2683

12

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/582,721

**Applicant(s)**O'NEILL, DOMINIC DESMOND  
PHELM**Examiner**

DANH C LE

**Art Unit**

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott (US 5,649,195) in view of Dettinger (US 6,199,069).

As to claim 1, Scott teaches telecommunication network having at least one database of functions for controlling the network (figure 1 and col.2, line 48-col.3, line 34), said database comprising at least a data function and a data control function;

characterised in that:

the database is replicated a plurality of times, the database of one of said replicated databases is a primary database (16), the data control function of which is arranged to generate signals for synchronized updating of all of said replicated databases (replicate database 18), and at least a second database (3 database 18), the data control function of which is arranged to generate signals for synchronized updating of all of said replicated databases from said primary database.

Scott fails to teach the second database is a primary standby database in which replicated databases in the event of a failure of the primary database. Dettinger teaches the second database is a primary standby database (backup) in which replicated databases in the event of a failure of the primary database (figure 3 and col.5,

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line 5-col.6, line 42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dettinger into the system of Scott in order to enhance the system performance of the synchronizing database which prevent the data lost when the primary system is down.

As to claim 4, the claim is a method of the claim 1, therefore; the claim is interpreted and rejected as set forth in the claim 1.

2. Claims 2, 3, 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott (US 5,649,195) in view of Martino (US 5,987,103) and Dettinger (US 6,199,069).

As to claim 2, the combine of Scott and Dettinger teaches a network according to claim 1, the combine of Scott and Dettinger fails to teach a plurality of database are primary standby databases. Martino teaches a a plurality of database are primary standby databases (figure 1, 11). ). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Martino into the system of Scott and Dettinger in order to enhance the system performance of the synchronizing database which automatically update all the current database.

As to claim 5, Scott teaches a telecommunication network (figure 1 and col.2, line 48-col.3, line 34) comprising:

a primary database (16) having at least a data function and a data control function; and

a plurality of secondary databases (18) which are replicas of the primary database.

wherein the data control function of the primary database is arranged to generate signals for synchronized updating the secondary databases.

Scott fails to teach a secondary database in a primary standby database and the data control function of the primary standby database is arranged to generate signals for synchronized updating of all of the secondary databases the event of a failure of the primary database. Martino teaches a secondary database in a primary standby database (Martino, figure 1, 21, 31). Dettinger teaches the data control function of the primary standby database (backup) is arranged to generate signals for synchronized updating of all of the secondary databases the event of a failure of the primary database (figure 3 and col.5, line 5-col.6, line 42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Martino, Dettinger into the system of Scott in order to enhance the system performance of the synchronizing database which prevent the data lost when the primary system is down.

As to claim 3, the combine of Scott, Dettinger and Martino teaches network according to claim 1, wherein databases other than said primary database and said primary standby database are secondary databases and are arranged to signal to said primary and/or said primary standby database when they have been updated in response to the updating signals from said primary of said primary standby database (Martino, col.10, lines 1-55).

As to claim 6, the limitation of claim is same limitation of the claim 2, therefore; the claim is interpreted and rejected as set forth in the claim 2.

As to claim 7, the limitation of claim is same limitation of the claim 7, therefore; the claim is interpreted and rejected as set forth in the claim 3.

As to claim 8, the claim is a method of the claim 5, therefore; the claim is interpreted and rejected as set forth in the claim 5.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Block et al (US 5,136,707) teaches the reliable database administration arrangement.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Danh C.Le



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600